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U.S. Department of Education

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ELIO SALINAS,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION,  
EQUIFAX INFORMATION SERVICES LLC;  
and TRANSUNION LLD,

Defendants.

CASE NO. 1:24-cv-01004-KES-CDB

EX PARTE APPLICATION FOR EXTENSION OF  
TIME FOR U.S. DEPARTMENT OF EDUCATION  
TO FILE A REPLY TO PLAINTIFF'S  
OPPOSITION TO MOTION TO DISMISS;  
ORDER

DATE : March 17, 2025  
TIME : 1:30 p.m.  
CTRM : 6  
JUDGE: Honorable Kirk E. Sherriff

Defendant, U.S. Department of Education, applies ex parte for an extension of time, until April 11, 2025, to file its Reply to Plaintiff Elio Salinas' Opposition to Defendant's Motion to Dismiss, and further, that the Court reset the hearing on Defendant's Motion to Dismiss to May 5, 2025.

Good cause exists for the granting of the requested extension as follows:

- (1) Defendant's attorney, Assistant United States Attorney Alyson A. Berg, has been in trial in Sacramento in the matter of *Alison Stirm v. United States*, 2:22-cv-01330-KJM-CKD, before the Honorable Carolyn K. Delaney, United States Magistrate Judge, since February 24, 2025. The trial concluded today, March 5, 2025, leaving only two business days to prepare the Reply;
- (2) Plaintiff's Opposition to Defendant's Motion to Dismiss was untimely, having been filed 42 days late. Pursuant to Local Rule 230(c), Plaintiff's Opposition was due 14 days after the

1 Motion to Dismiss was filed, i.e., on January 17, 2025; and  
2 (3) Counsel for the Defendant U.S. Department of Education attempted to meet and confer with  
3 Plaintiff's counsel to obtain a stipulation for the requested extension of time. The efforts at  
4 informal resolution of the matter were unsuccessful.

5 For the foregoing reasons, Defendant U.S. Department of Education requests this Court grant the  
6 requested extension.

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8 Dated: March 5, 2025

MICHELE BECKWITH  
Acting United States Attorney

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10 By: /s/ Alyson A. Berg  
11 ALYSON A. BERG  
12 Assistant United States Attorney  
13 Attorney for Defendant  
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ORDER

Good cause having been shown,

It is ordered that Defendant Department of Education's Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss shall be filed no later than April 11, 2025; and

The hearing originally scheduled for March 17, 2025 remains vacated and the motion is submitted without oral argument pursuant to Local Rule 230(g). Doc. 33. The hearing may be reset if the Court determines that oral argument is warranted.

IT IS SO ORDERED.

Dated: March 6, 2025



UNITED STATES DISTRICT JUDGE